

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 1837 OF 2007

DATED: 8.2.2007

Between:

Mudragada Satyanarayana and others

Petitioners

...

and

State of A.P., represented by District
Collector, East Godavari, Kakinada and others

Respondents

...

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.1837 of 2007

ORAL ORDER:

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The writ petitioners challenge the acquisition proposals by the State for acquisition of land in an extent of Ac.8.00 in several survey numbers in Veeravaram village, Kadiyam Mandal, East Godavari District. Notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 10.10.2006. Notice under Section 5-A of the Act was issued to the petitioners by the 3rd respondent on 5.10.2006, calling for objections if any to the acquisition proposals. The petitioners lodged their objections.

The 1st respondent-the District Collector by an elaborate, cogent and considered order dated 19.1.2007 considered the objections lodged by the petitioners seriatim, recorded reasons for rejecting these objections and called upon the 3rd respondent to activate the process for issuing a declaration under Section 6 of the Act. It is this order of the 1st respondent dated 19.1.2007 rejecting the petitioners' objections under Section 5-A of the Act, that is impeached in this writ petition, seeking invalidation of the notification issued under Section 4 (1) of the Act.

As is apparent from the order of the 1st respondent passed under Section 5-A of the Act, each of the objections lodged by or on behalf of the petitioners was considered in detail and cogently. It is not as if the petitioners' lands which are claimed to be very valuable nursery lands are immune to the power of eminent domain of the State, in particular under the provisions of the Act. On acquisition of these lands, the petitioners' would be entitled to compensation by way of market value, solatium, additional market value as well as interest, as provided by the Act. The State under the provisions of the Act is required to hear the objections of landowners to the acquisition proposals. It is not as though the landowners and the State are joint decision makers in the process of acquisition. The petitioners are not to be consulted; only their objections are to be heard and rationally considered.

The order of the 1st respondent rejecting the objections lodged by the petitioners invites no interdiction and suffers from no infirmity.

On the aforesaid analysis, there are no merits and the writ petition is dismissed. No costs.

GODA RAGHURAM,

J
Date: 8.2.2007
cvm

